**UNITED STATES DEPARTMENT OF COMMERCE**
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 09/548,261 | 04/12/00 | HARGRO I | 03109-017002 |

IM22/1026

WILLIAM E BOOTH
FISH & RICHARDSON P C
225 FRANKLIN STREET
BOSTON MA 02110-2804

| EXAMINER | |
|---|---|
| THERKORN, E | |
| **ART UNIT** | **PAPER NUMBER** |
| 1723 | 5 |

**DATE MAILED:** 10/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 09/548,261 | Hargro |
| **Examiner** | **Group Art Unit** |
| THIERRY | 1723 |

☒ Responsive to communication(s) filed on April 12, 2000 & Oct 13, 2000.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days ~~month(s),~~ or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) 4-7 and 16-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 4-7 and 16-36 are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 4-7 and 16-21, drawn to a combination of a chromatography column and a sample module, classified in class 210, subclass 198.2.

II. Claims 22-36, drawn to a column, classified in class 210, subclass 541.

The inventions are distinct, each from the other because:

Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a chemical reactor, a filter, a trickling filter, a solid phase extractor, or an absorption device and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35

U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (703) 308-0362.

**Ernest G. Therkorn**
**Primary Examiner**
**Art Unit 1723**

EGT/11
October 24, 2000